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10/677,668	10/02/2003	Gary Jay Morris	73/64	1054

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Gary J. Morris
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EXAMINER

GISHNOCK, NIKOLAI A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,668

Applicant(s)

MORRIS, GARY JAY

Examiner

Nikolai A. Gishnock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 14-16, 19-23, 25-47, 50-53 and 55-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 14-16, 19-23, 25-47, 50-53 and 55-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In response to Applicant's Remarks, filed 4/23/2007, claims 5, 12, 17, 18, 24, 48, 49, & 54 are cancelled. Claims 1-4, 6-11, 13-16, 19-23, 25, 47, 50-53, & 55-57 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/2007 has been entered.

Claim Objections

2. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In the instant case, claim 1 appears to have been amended to include a pressure sensor to determine the pressure level within the pressure vessel, as recited in claim 6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 2, 4, 6-8, 10, 14-16, 29, 30, 35, 39, 40, 46, 47, & 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al. (US 7,021,940 B2), hereinafter known as Morris. Morris discloses an apparatus for simulating human blood pressure cycles and providing a tactile interface, comprising: an element to generate pressurized fluid, external to a pressure vessel (1:45; also Figure 1, Item 1); where the pressurized fluid is pneumatically conveyed to the inside of the pressure vessel or chamber (bladder, 3:56-60), comprising at least one movable surface and distendable surface (6:32-36), whereby a human senses, through touch, fluid pressure amplitudes within the pressure vessel (7:9-18); simulated human blood pressure levels maintained within the pressure vessel (7:41-54); where the simulated human blood pressure levels oscillate between systolic and diastolic pressure levels with a frequency equivalent of a human cardiac pulse rate (2:36-50); and a pressure sensor electronically senses pressure levels within the pressure vessel (via a comparator circuit) and provides pressure data feedback to an electronic control unit (processor, all at 7:41-8:3), where the apparatus is not used to measure an actual blood pressure of a human (manikin with simulated blood pressure and pulse, 2:57-59) [Claims 1, 4, 6, 29, 39 & 57]. Morris discloses where the fluid is a gas (3:56-

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60) [Claims 2, 30, & 40]. Morris discloses an electric solenoid controlled valve system connected to the pressure vessel (solenoid valves 403 & 503, 7:9-18 & 7:55-8:3) [Claim 8], which are inherently electromechanically actuated pressure regulators [Claim 7]. Morris discloses where the pressure vessel comprises an elastomeric hollow bulb (elastically deformable bladder) that can be held in a human hand (bladder is mounted to protrude from the interior of the manikin and into a simulated {external} umbilicus stub, which inherently could be gripped, 6:60-7:4; also Figure 7, Items 500 & 501), and internal pressure amplitudes of fluid within the bulb as sensed by human touch (7:9-18) [Claim 10]. Morris discloses where the pressure vessel is comprised of an elastic walled, closed tube whereby the cyclic, simulated blood pressure levels inside the tube are sensed by human gripping of the tube (silicone tube sealed at the distal end and mounted on the exterior surface of the arm of the manikin, where it inherently could be gripped by a human hand, 6:32-41) [Claim 14]. Morris discloses at least one user-operable control to select minimum and maximum limits of pressures within the pressure vessel to simulate systolic and diastolic blood pressure levels (blood pressure dial, 7:41-83; also Figure 6, Item 24) [Claim 15], and at least one user operable control to set a simulated cardiac pulse rate for the simulated human blood pressure cycles (pulse rate dial, 7:9-18; also Figure 6, Item 20) [Claim 16] and to set pressure excursion parameters within the pressure vessel [Claim 46], where the pressure excursion parameters are selected from the group consisting of simulated pulse rate; and simulated systolic and diastolic pressure levels (7:9-18 & 7:41-8:3) [Claim 47]. Morris discloses a visual pressure level indicator including an analog display (pressure gage, 7:41-54) [Claim 35].

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 19, 20, 23, 26, 28, 36, 37, 44, 45, 50-53, & 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris. Morris teaches an apparatus for simulating normal and abnormal human blood pressure and providing a tactile interface, comprising: a pressure vessel containing pressurized fluid (bladder, 3:56-60), generated outside of the pressure vessel (1:45; also Figure 1, Item 1), the vessel having at least one movable surface and distendable surface (6:32-36), whereby a human senses, through touch, periodic fluid pressure amplitudes within the pressure vessel (7:9-18); simulated human blood pressure levels maintained within the pressure vessel (7:41-54); where the simulated human blood pressure amplitudes cycle between systolic and diastolic pressure levels with a frequency equivalent of a human cardiac pulse rate (2:36-50); and a visual indicator to display indicia which specify pressure amplitudes within the pressure vessel (pressure gage, 7:41-54). Morris further teaches simulating cyclic normal and abnormal conditions within various fluid carrying body cavities, such as blood flow

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within a blood vessel (4:17-25), and specifically teaches a user operable electronic switch for toggling between simulating a normal activity of the lung, and a pneumothorax condition of the lung, which is defined as simulating where only one lung functions as a result of an abnormal condition such as a puncture or other defect (5:58-6:3; also in Figure 6, Item 17). What Morris fails to explicitly teach is where an electronic switch toggles between simulating the normal and abnormal blood pressure amplitude cycles [Claims 19, 36, & 50-53]. However, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have merely provided a switch to toggle between the normal and abnormal blood pressure amplitude cycles and pulse rates, in the same way as taught by Morris for toggling normal and abnormal lung functions, for the purpose of effecting a more simple and compact control unit that can simulate various blood flow conditions [Claim 19, 36, & 50-53]. Morris discloses where the fluid is a gas (3:56-60) [Claims 20 & 37]. Morris discloses where the pressure vessel comprises an elastomeric hollow bulb that can be held in a human hand (6:60-7:4; also Figure 7, Items 500 & 501), and internal pressure amplitudes of fluid within the bulb as sensed by human touch (7:9-18) [Claim 23]. Morris discloses where the pressure vessel is comprised of an elastic walled, closed tube, whereby the amplitude inside the tube is sensed by human touch (6:32-41) [Claim 26]. Morris discloses a visual indicator, comprising an analog pressure gage, which indicates the pressure level of the pressurized fluid (7:41-54) [Claims 28 & 56]. Morris discloses at least one user-operable control to set pressure excursion parameters within the pressure vessel [Claim 44], where the pressure excursion parameters are selected from the group consisting of simulated pulse rate, and simulated systolic and diastolic pressure levels (7:9-18 & 7:41-8:3) [Claim 45].

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8. Claims 3, 21, 22, 31, 33, 38, & 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, in view of Futcher et al. (US 5,722,413), hereinafter known as Futcher. Morris teaches all the features as demonstrated above in the rejections of claims 1, 19, 29, 36, & 39, including a pressurized fluid supply connected to a pressure vessel (bladder) via input tubing (3:29-36), for simulating cyclic blood pressure amplitudes. Morris teaches this pressurized fluid source may be a regulated air or oxygen source (4:40), which are gases. Morris also teaches using a pressure gage to measure simulated blood pressure (7:41-54). What Morris fails to teach is where this fluid source may comprise a substantially segregated mixture of gas and liquid [Claims 3, 21, 31, 38, & 41]. However, Futcher teaches a pressurized fluid which is a substantially segregated mixture of gas and liquid (air flows into the tube and through to the manometer, 4:1-7). The manometer contains liquid (Figure 1, Item 2), which forms a substantially segregated mixture with the air, due to their interaction in the manometer. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have substituted the liquid manometer of Futcher for the analog pressure gage of Morris, in order to determine the pressure inside the pressure vessel while substantially segregating the gas and liquid in the fluid, for the purpose of increasing the accuracy of the pressure measurement by using a heavier, incompressible fluid during measurement [Claims 3, 21, 31, 38, & 41]. Morris further fails to teach where the pressurized fluid is generated by at least one manually operated pump. However, Futcher teaches a bulb that, when squeezed and then released, forces air into and out of a connector. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have substituted the pressurized fluid supply of Morris for the manual bulb pump of Futcher, in order for a patient to better gauge the fluid flow to the bladder, and to provide a cheaper source of pressurized fluid than the compressed air or oxygen of Morris [Claims 22 & 33].

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9. Claims 9, 13, 25, 27, 32, & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, in view of Tumey et al. (US 5,991,654), hereinafter known as Tumey. Morris teaches all the features as demonstrated in the rejection of claims 1 & 29 above, including a pressurized fluid supply connected to a pressure vessel (bladder) via input tubing (3:29-36), for simulating cyclic blood pressure amplitudes. What Morris fails to teach is where the element to generate pressurized fluid is at least one electric powered pump [Claims 9 & 32]. However, Tumey teaches the use of an electric air compressor (a type of pump) connected to an air cuff (a pressure vessel) via a hose, for generating a pressurized fluid and causing pressure amplitudes within (3:58-4:6; also Figure 4, Item 46). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have substituted the pressurized fluid supply of Morris for the electric powered pump of Tumey, in order to provide a cheaper source of pressurized fluid than the compressed air or oxygen of Morris [Claims 9 & 32]. Morris also teaches a manikin having an elastically deformable bladder simulating an umbilical blood vessel (6:59-7:8), in which the realistic feel of blood flow can be felt by touch. Morris also discloses an inflatable cuff in communication with the electronic comparator of the electronic control unit processor for use as a pressure sensor (7:41-54; also Figure 7, Item 21) What Morris fails to teach is where the pressure vessel comprises an inflatable cuff whereby the periodic pressure amplitudes inside the cuff are sensed by human touch [Claims 13 & 25]. However, Tumey teaches the use of an air cuff that is periodically or cyclically inflated and deflated to apply periodic pressure to a patient's limb (8:9-41). Because the cuff is fastened to a patient, it is inherent that the pressure amplitudes would be sensed by human touch. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have substituted the air cuff of Tumey for the manikin with flexible bladder of Morris, for the purpose of allowing the pressure vessel to be fastened onto a

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patient's limb, so that the patient can feel the pressure amplitudes without having to grip the vessel [Claims 13 & 25]. Morris teaches a visual indicator to display indicia, which specify pressure amplitudes within the pressure vessel (pressure gage, 7:41-54). What Morris further fails to teach is the indicator comprising an electronic digital display [Claims 27 & 34]. However, Tumey teaches a computer monitor that provides a visual aid to observe various output signals, such as cuff pressure (4:39-44). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have substituted the electronic digital display of Tumey, for the pressure gage in the circulatory simulation of Morris, in order to reduce the difficulty of accurately reading a dial gage [Claims 27 & 34].

10. Claims 11 & 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris, in view of claims 1 & 19 above, and further in view of Frazier (US 6,669,624), hereinafter known as Frazier. Morris teaches all the features as demonstrated in the rejections of claims 1 & 19 above, including an elastomeric hollow bulb (elastically deformable bladder) for tactile simulation of blood pressure by human touch (6:59-7:23). What Morris fails to explicitly teach is an incompressible, non-liquid member positioned within the second elastomeric hollow bulb such that substantial portions of the internal surfaces of the bulb are held in contact with the incompressible member by manually squeezing the bulb [Claims 11 & 55]. However, Frazier teaches a heart-assist pump comprising a flexible balloon catheter, inflated and deflated by gas pressure, with an incompressible lumens within the balloon for conveying gas to and from the balloon (6:7-28 and Figure 2, Items 8 and 14). The incompressible member taught by Frazier would be incorporated inside the pressure vessel of Morris, and aid in the uniform inflation and deflation of the pressure vessel. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have fabricated the pressure vessel as taught by

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Morris, with the incompressible member of Frazier, in order to allow the bulb to withstand rapid cyclic inflation and deflation [Claims 11 & 55].

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin (US 4,773,865), hereinafter known as Baldwin, in view of Morris. Baldwin teaches an apparatus for simulating human blood pressure and providing a tactile interface comprising: a first elastomeric hollow bulb (bulb syringe 62) to pressurize fluid by manual compression of the bulb; a second elastomeric hollow bulb (simulated femoral artery 52') pneumatically connected to the first bulb through a bi-directional flow connection (tubes 52, 52', 54, & 56) such that the pressure in the second bulb is controlled by the amount of manual compression of the first bulb; the second elastomeric hollow bulb providing a tactile interface to a human subject where the human subject physically senses fluid pressure magnitudes internal to the second bulb by gripping with at least one hand (4:24-28; squeezing the bulb inherently provides the fluid pressure the student uses to feel the simulated pulse). What Baldwin fails to teach is a visual indicator to display indicia, which specifies pressure magnitudes within the second elastomeric hollow bulb [Claim 42]. However, Morris teaches a visual indicator to display indicia, which specify pressure amplitudes or magnitudes within the pressure vessel or elastomeric hollow bulb (pressure gage, 7:41-54). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have connected a visual pressure indicator, as in Morris, to the simulated femoral artery of Baldwin, in order to facilitate locating the simulated artery by pressure or pulse [Claim 42].

12. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldwin and Morris, in view of claim 42 above, and further in view of Frazier. Baldwin and Morris teach all the

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features as shown in the rejection of claim 42 above. What Baldwin and Morris fail to explicitly teach is an incompressible, non-liquid member positioned within the second elastomeric hollow bulb such that substantial portions of the internal surfaces of the bulb are held in contact with the incompressible member by manually squeezing the bulb [Claim 43]. However, Frazier teaches a heart-assist pump comprising a flexible balloon catheter, inflated and deflated by gas pressure, with an incompressible lumens within the balloon for conveying gas to and from the balloon (6:7-28 and Figure 2, Items 8 and 14). The incompressible member taught by Frazier would be incorporated inside the pressure vessels of either Baldwin or Morris, and aid in the uniform inflation and deflation of the pressure vessel. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have fabricated the pressure vessels as taught by Baldwin and Morris with the incompressible member of Frazier, in order to allow the bulb to withstand rapid cyclic inflation and deflation [Claim 43].

Response to Arguments

13. Applicant's arguments, filed 4/23/2007, with respect to the rejection of claims 1, 4, 6, 9, 14-16, 19, 26, 28, 29, 32, 35, 36, 39, 44-47, 50-54 & 56 under 35 USC §102(b), see pages 13-14, have been considered but are moot in view of the new ground(s) of rejection. The Examiner has not relied on the teachings of Roucka (US 2,556,043) in the present Office Action.

14. Applicant's arguments filed 4/23/2007, with respect to the rejection of claims 2, 3, 10, 20, 21, 23, 30, 31, 37, 38, 40, 41, & 57 in view of Fletcher, see pages 15-17, have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the

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level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). With respect to claim 57, the bulb of Futcher performs two functions: (a) the bulb is squeezed and released, in order to force air into and out of the bulb (3:56-57), allowing the patient to gauge the normal requirements of cardiac exertion thought effort, as well as (b) the bulb allows the patient to feel the pressure accumulated in the bulb, as read on the manometer. To clarify, the feature (a) of Futcher is relied upon by the Examiner in the current Office Action, to teach a manual pressure generating element that would neither teach away from nor interfere with the simulation control features of Morris, as the combination with the bulb of Futcher merely causes the pressure to be generated on the fly rather than being pre-compressed as taught by Morris, much like a reservoir would be filled and emptied as needed.

15. In response to Applicant's arguments filed 4/23/2007 to the rejection of claims 7, 8, 13, 25, 27, & 34 under 35 USC §103(a) in view of Tumey, see page 17, the Applicant has neglected to challenge the Examiner's rejections. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

16. Applicant's arguments filed 4/23/2007, with respect to the rejection of claims 22, 33, & 42 in view of Baldwin, see pages 17-20, have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed

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invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. The Examiner would like to point out that in the current Office Action, Baldwin teaches blood pressure bladders that can be felt by a student (Abstract, 3:66-4:7, and 4:21-23). Additionally, Morris teaches blood pressure bladders external to the manikin, in which blood pressure can be felt (6:32-41 and 6:59-7:7:18). Furthermore, the Applicant states on pages 19-20 that Baldwin is not a bulb because a function of a bulb (as opposed to a tube) is to provide a significant force amplification within the pressure vessel. However, the Examiner relies on the teaching of Baldwin as well as the Applicant that pressure generated in a bulb with larger surface area (see Baldwin's bulb, Figure 1, Item 62, compared with Applicant's Figure 2, Item 200) and conveyed to a bulb with a smaller surface area (see Baldwin, Figure 1, Items 52 & 52', compared to Applicant's Figure 2, Item 220) would amplify the force in the bulb with smaller surface area, thus enabling the amplified pressure to be felt. Applicant has not otherwise distinguished how the simulated arteries of Baldwin are not bulbs, as claimed. Hence, the rejection of claim 42 is proper.

17. Applicant's arguments filed 4/23/2007, with respect to the rejection of claims 11, 43, & 55 in view of Frazier, see pages 20-21, have been fully considered but they are not persuasive. In response to applicant's argument that the incompressible member internal to the bulb to be felt may only be a substrate for the user's squeezing of the bulb, and that the Examiner has not understood the Applicant's intended purpose, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art, i.e. that the incompressible member may aid in the inflation and deflation of the bulb, cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

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18. In response to the Applicant's note of 4/23/2007, see page 21, that the Roucka reference does not appear on the Notice of References Cited page of the Final Rejection, Roucka was previously cited on both the Office Action and form PTO-892 of 4/4/2006. See MPEP 707.05(c).

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ramphal et al. (US 2004;/0033477 A1) discloses a computer controlled, motor driven electromechanical pumping system for driving a bovine heart, chosen for its inexpensive, realistic feel compared to a human heart. Chamberlain (US 2002/0061503 A1) discloses a silicone rubber cast simulation of a heart, incorporating interposed pressure tubes, driven by a compressor and controlled by an electronic circuit, in order to look and feel realistic.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikolai A. Gishnock whose telephone number is 571-272-1420. The examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAG

NAG
5/23/2007

Kathleen Mosser
Kathleen Mosser
Primary Examiner
Art Unit 3714